
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

ELAINE J. SHIPLEY, *Individually, as
Personal Representative of the Estate of Kurt
Philip Shipley, Deceased, and as Next Friend
of Jordon John Shipley, Brynn Shipley, Jason
Kent Shipley, Jensen Kurt Shipley, minors,*

Plaintiff,

v.

FOREST LABORATORIES,

Defendant.

MEMORANDUM DECISION

Case No. 1:06-cv-00048-TC-DBP

District Judge Tena Campbell

Magistrate Judge Dustin Pead

I. INTRODUCTION

This wrongful death products liability matter was referred to the Court under 28 U.S.C. § 636(b)(1)(A). (Docket Nos. 19; 48.) The Court now considers Plaintiff's motion to expedite a ruling on Plaintiff's motion to compel. (Dkt. No. 51.) For the reasons set forth below, the Court **DENIES** the motion.

II. PLAINTIFF'S MOTION TO EXPEDITE RULING ON MOTION TO COMPEL

On July 31, 2014, Plaintiff filed a motion to compel Defendant to produce certain paper documents and electronically stored information ("ESI"). (Dkt. No. 48.) On Friday, August 8, 2014, Plaintiff filed the present motion to expedite a ruling on her motion to compel. (Dkt. No.

51.) Plaintiff wants the Court to resolve her motion to compel before the August 15, 2014 depositions scheduled for Defendant's sales representatives. (Dkt. No. 51 at 2.)

On Monday, August 11, 2014, this Court ordered Defendant to respond immediately to Plaintiff's motion to expedite. (Dkt. No. 52.) On August 12, 2014, Defendant opposed Plaintiff's motion to expedite. (Dkt. No. 54.) Defendant also filed a cross motion for protective order to protect itself from producing the ESI sought in Plaintiff's motion to compel. (Dkt. No. 55.) Defendant believes the Court should stay the August 15, 2014 depositions until it can substantively rule on Plaintiff's motion to compel and Defendant's cross motion for protective order. (Dkt. No. 54 at 2 n.1.)

After reviewing the record, the Court **DENIES** Plaintiff's motion to expedite a ruling on her motion to compel. (Dkt. No. 51.) Plaintiff's motion to compel and Defendant's directly related cross motion for protective order involve complicated issues. The Court will not haphazardly rule on such motions without holding a hearing to clarify the issues.

III. ORDERS

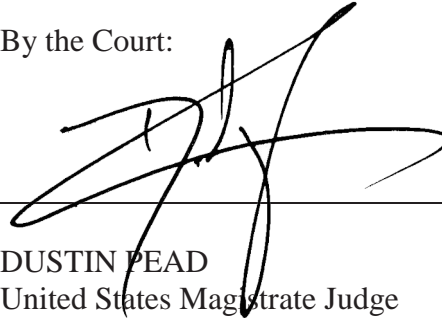
For the reasons analyzed above, this Court **DENIES** Plaintiff's motion to expedite a ruling on her motion to compel. (Dkt. No. 51.)

The Court **STAYS** the depositions scheduled for August 15, 2014 until it can resolve Plaintiff's motion to compel (Dkt. No. 48) and Defendant's cross motion for protective order (Dkt. No. 55).

The Court **SCHEDULES** a hearing on Plaintiff's motion to compel (Dkt. No. 48) and Defendant's cross motion for protective order (Dkt. No. 55) for Thursday, August 21, 2014, at 1:00 p.m. before Magistrate Judge Pead. The parties should complete all briefing on these motions prior to that date.

Dated this 13th day of August, 2014.

By the Court:



A handwritten signature in black ink, appearing to read 'Dustin Pead', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

DUSTIN PEAD
United States Magistrate Judge